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**H.R. 5005, THE "FIREARMS CORRECTIONS AND IMPROVEMENTS ACT"
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Mr. Chairman and members of the subcommittee, thank you also for the opportunity to comment on H.R. 5005. This bill would roll back unnecessary restrictions, correct errors, and codify several longstanding congressional policies concerning firearms.

The most important provision of H.R. 5005 is section 9, which codifies limits on disclosure of trace records. Congress has passed a series of appropriations riders on this subject over the last several years, out of concern for gun owners' privacy and the confidentiality of law enforcement records. Like the language in section 9, these riders protect this information from disclosure in civil lawsuits.

The reason for this is quite simple. Congress requires firearms licensees to maintain records and to comply with trace requests for the purpose of gathering evidence to solve crimes, not to produce statistical evidence for lawsuits — such as New York City's — which blame the industry for the actions of criminals. Both the appropriations riders and the language in H.R. 5005 allow access to this data for legitimate law enforcement investigations. Law enforcement agencies and organizations have supported these restrictions to protect confidential information about agents, informants, and investigative targets who may be identified in these records.

A related provision, section 7, would eliminate duplicative paperwork for dealers. Currently, dealers have to report multiple handgun sales (that is, sales of more than one handgun to a person within 5 days) both to ATF and to state or local agencies. These sales, of course, are to people who have already passed the instant background check to buy the firearms. ATF is supposed to have primary responsibility for enforcing federal firearms laws, and therefore is the only agency that needs to receive these reports.

There is also a serious privacy concern about how agencies handle these records. Under federal law, the multiple sales report sent to local law enforcement agencies is not supposed to be disclosed to any other entity, and is supposed to be destroyed within 20 days. Local agencies are supposed to certify to the Attorney General every 6 months that they have complied with these rules. However, when one of my colleagues filed a Freedom of Information Act request for records on the implementation of this requirement, he only received a handful of documents, which did not include any of the required certifications. In fact, last year the Appropriations Committee adopted report language that urged ATF to make sure local agencies are aware of the requirement. If agencies are unable to comply with the legal requirements for receiving these documents, they should not receive them in the first place.

On another privacy concern, section 8 would permanently ban creation of a centralized electronic index of out-of-business dealers' records — a threat to gun owners' privacy that Congress has also barred through appropriations riders for a decade.

Section 5 would permanently ban taxes or “user fees” on background checks by the federal instant check system. Congress never gave FBI the authority to charge any fee for these checks, but in 1998, the FBI proposed to do so anyway. Congress has clearly expressed its opposition to such fees in annual appropriations riders ever since, and it is time to make that policy permanent.

Section 6 would eliminate a provision of the Youth Handgun Safety Act that currently requires juveniles to have written permission to use a handgun for purposes such as competitive shooting or safety training — even when the parent or guardian is personally present while the juvenile is using the handgun. This is obviously absurd. As there is fortunately no evidence that it has ever been enforced, section 6 is a very reasonable provision to correct it.

Section 3 would make important changes to the federal machinegun laws. In 1986, during the House floor debate on the Firearms Owners’ Protection Act, Representative Hughes offered a last-minute amendment to prohibit all civilian transfers of new machineguns. This was obviously done for political reasons, and it has had unintended consequences. In particular, it prevents firearm and ammunition manufacturers from acquiring machineguns for use in developing or testing firearms and ammunition for government contracts. It also prevents the use of machineguns by private security contractors for security services or training within the United States. Section 3 would correct both of those anomalies.

Finally, section 10 would allow importation of barrels, frames and receivers for some types of semiautomatic rifles for use only as repair or replacement parts. Even under the Clinton Administration, which often imposed new bans on importing various types of firearms, these parts could be imported for repair or replacement use; this section corrects a recent and stricter interpretation by the Department of Justice that forbids such importation.

Mr. Chairman, I thank you for your time and I will be happy to answer any questions.